IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Arbitration Case No. 17 of 2005
Date of Decision: 15.12.2006

Punjab State Industrial Development Corporation Limited.

.....Petitioner through Mr. Suresh Gupta, Advocate

versus

Shri V.Sheshadri and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIJENDER JAIN, CHIEF JUSTICE

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Vijender Jain, Chief Justice (Oral)

The application has been filed by the petitioner for supplying the vacancy of an Arbitrator, in terms of the Arbitration Clause, which was to be appointed by the respondents. The petitioner had already supplied the vacancy of one arbitrator. Notice of the application was issued to the respondents. Service upon contesting respondent No.1 has been effected by way of publication, pursuant to the order passed by this Court. Inspite of service by way of publication, no body has put appearance on behalf of respondent No.1. Clause 36 of the agreement contains the Arbitration Clause which reads as under:-

> *36. All differences and dispute between the parties hereto on any clause or matter herein contained or their respective rights, claims or liabilities hereunder or otherwise, howsoever, in relation to or arising out of their agreement shall be referred to arbitration by two arbitrators (one to be appointed by each party) who shall, before proceeding with the reference, appoint an Umpire and such arbitration shall be governed by the Indian Arbitration Act, 1940 or any modification or re-enactment thereof for the time being in force".*

The petitioner has appointed Mr. Krishan Kumar, I.A.S. Additional, Secretary, Government of Punjab, Department of Power, Chandigarh as its Arbitrator on 28.01.2002 but no Arbitrator has been named by the respondent.

Mr. Harbhagwan Singh, Senior Advocate is appointed as a second Arbitrator. Both the Arbitrators will appoint third Arbitrator/Umpire. The Arbitrator appointed by the Court shall fix his own fee. The third arbitrator appointed by the aforesaid arbitrators will also fixed his own fee.

Petition stands disposed of.

Parties are directed to appear before the Arbitrator on 20.01.2007.

(VIJENDER JAIN)
CHIEF JUSTICE

15.12.2006

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